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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 495,710	02-01/2000	Andress Sommer	P66.2717	5203

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PATENT DEPARTMENT
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EXAMINER

HOBDEN, PAMELA R

ART UNIT PAPER NUMBER

2882

DATE MAILED: 05/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/495,710

Applicant(s)

ANDRES SOMMER

Examiner

Pamela R. Hobden

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,2,4,and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujita et al. (US 5,848,126). Fujita et al discloses a computed tomography apparatus comprising a gantry (10) having a measured opening, (figure 4), an x-ray source (12) in the gantry (figure 1A) having a focus from which radiation is emitted, with at least the focus rotating around the measuring opening for irradiating an examination subject from different directions (column 13 lines 59-64), a detector (13) disposed in the opening for obtaining projection datasets corresponding to the radiation incident on the detector as the focus rotates around the measuring opening, (column 13 lines 50-64), a support table having a support plate (figure 1a, 3) adapted to receive an examination subject (p), a carrier, the support plate being non-displaceably mounted cantilevered to the

Art Unit: 2882

carrier (Column 14 lines 1-5), and a mechanism for moving the gantry independently of the support table (figure 23a), including movement of the gantry into a use position wherein the support plate extends through the measuring opening (figure 23a).

Regarding claim 2: Fujita discloses a carrier that comprises a floor stand (figure 23a).

Regarding Claim 4: Fujita discloses a support table that is movable. (Figure 23a).

Regarding Claim 5: Fujita discloses a support table with a longitudinal axis, a gantry with a system axis, and wherein the support table is positionable relative to the gantry so that the longitudinal axis and the system axis when projected into a horizontal plane intersects when the gantry is in the use position. (Figure 1A)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al as applied to claim 1 above, and further in view of Gordon (US Re. 36,099). Fujita et al's teachings are as shown above. Fujita et al fails to disclose the use of a motor drive for moving the gantry along the system axis to allow scanning of a volume

Art Unit: 2882

of an examination subject adapted to be received on the support plate in the measuring opening, wherein the mechanism comprises rails along which the gantry is movable. Gordon discloses a tomography apparatus with a drive (32) for moving the gantry along the system axis (figure 1) to allow scanning of a volume of an examination subject adapted to be received on the support plate (12) in the measuring opening, wherein the mechanism comprises rails along which the gantry is movable (figure 1). It would be obvious to one skilled in the art to incorporate Gordon's teachings into Fujita's design, as Fujita's table projects beyond the base of the table. One would have to remove the table of Gordon's, and replace it with Fujita's. One would be motivated to modify Fujita's design of his figure 23A with a rail design in order to minimize patient movement from table to table. (One could use Fujita's table as a type of "stretcher".) Gordon's gantry also requires less physical manipulation, and would be easier for the operator to manage.

Regarding Claim 3: Fujita et al and Gordon fail to disclose the use of a carrier that comprises a ceiling stand. It would be obvious to one skilled in the art to incorporate a ceiling stand for the carrier. One would be motivated to have a ceiling stand for the carrier in order to minimize floor space needed in the examination area, and to allow for increased simplicity of storage for the carrier. It could potentially be swung away when not in use.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. Applicant should note that Gordon's

Art Unit: 2882

disclosure shows an x-ray source on the gantry, it is not believed that placement in the gantry would adversely affect imaging as a result of the rail design.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pamela R. Hobden whose telephone number is (703)-306-5435. The examiner can normally be reached on Monday-Friday 8:30-5:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703)-305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-7382 for regular communications and (703)-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.

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May 6, 2002



Pamela R. Hobden